



#11/HR
10.28.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

OCT 22 2002

RECEIVED

In re PATENT APPLICATION OF

FARWICK et al.

Group Art Unit: 1652

Appln. No.: 09/819,930

Examiner: Fronda, C. L.

Filed: March 29, 2001

Title: NEW NUCLEOTIDE SEQUENCES ENCODING THE ptsH GENE

October 21, 2002

* * * * *

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

This is in response to a communication from the examiner, dated September 24, 2002, wherein the examiner required restriction to one of the following allegedly distinct inventions:

Group I: Claims 1-8 and 9-22, directed to an isolated polynucleotide, vector, and host cell.

Group II: Claims 9, 10, 13, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and further genes of the biosynthesis pathway of the desired L-amino acid are enhanced.

- Group III: Claims 9, 11, 13, and 15, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and the pck, pgi, or poxB gene is attenuated.
- Group IV: Claims 9, 12, 13, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which been transformed with a plasmid vector carrying the nucleotide sequence of the gene coding for the component H of the phosphotransferase system is enhanced.
- Group V: Claims 9, 14, and 16, directed to a process for the fermentative preparation of L-amino acids comprising fermentation of a coryneform bacteria which has at least the gene coding for component H of the phosphotransferase system is enhanced and the dapA, pyc, tpi, gap, ptsM, pgk, or lysE gene are enhanced.
- Group VI: Claim 17, directed to the use of a polynucleotide as primers for the preparation of DNA of genes which code for the ptsH gene product.
- Group VII: Claim 18, directed to the use of polynucleotide sequences as hybridization probes.


ELECTION

The applicants, in a conversation with the examiner on 21 October 2002, noted that the examiner included claims 1-8 and 9-22 in Group I. As stated to the examiner, the applicants believe that this is a typographical error and that Group I should only include claims 1-4, and 6-8 (there is no claim 5). Therefore, the applicants elect, without traverse, for further prosecution on the merits the claims of Group I (claims 1-4 and 6-8).

Should the examiner wish to discuss this matter, the examiner is urged to contact the undersigned at the number indicated.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40,944

Tel. No.: (703) 905-2144

Fax No.: (703) 905-2500

TAC/amx
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

